

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

James David Cain, Jr.

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Western District of Louisiana, Lake Charles Division

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

James David Cain, Jr.
Loftin, Cain & LeBlanc, LLC
113 Dr. Michael DeBakey Drive
Lake Charles, Louisiana 70601

4. **Birthplace**: State year and place of birth.

1964; DeRidder, Louisiana

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1990 – 1993, Southern University Law Center; J.D. (*cum laude*), 1993
1986 – 1990, McNeese State University; B.S., 1990

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2007 – Present
Loftin, Cain & LeBlanc, LLC
113 Dr. Michael DeBakey Drive
Lake Charles, Louisiana 70601
Founding Member and Partner

1994 – 2006
Lundy & Davis, LLP
501 Broad Street
Lake Charles, Louisiana 70601
Partner (1998 – 2006)
Attorney (1994 – 1998)

1993 – 1994
Louisiana Third Circuit Court of Appeal
1000 Main Street
Lake Charles, Louisiana 70615
Judicial Law Clerk for Honorable Henry Yelverton

Summer 1992
Unglesby and Koch Law Firm
246 Napoleon Street
Baton Rouge, Louisiana 70802
Summer Law Clerk

Spring 1992
Louisiana Senate
State Capitol Building
900 North Third Street
Baton Rouge, Louisiana 70802
Legislative Page

Summer 1991
Beauregard Parish District Attorney's Office
36th Judicial District, Beauregard Parish, Louisiana
124 South Stewart Street
DeRidder, Louisiana 70634
Summer Law Clerk

1987 – 1993
U.S. Representative James A. "Jimmy" Hayes
Louisiana Seventh Congressional District
901 Lakeshore Drive
Lake Charles, Louisiana 70601
Congressional Aide

Other Affiliations (uncompensated unless otherwise indicated):

2017 – Present
JAJH Investments, LLC
113 Dr. Michael DeBakey Drive

Lake Charles, Louisiana 70601
Member (Compensated)

2013 – Present
McNeese State University Alumni Association
600 East McNeese Street
Lake Charles, Louisiana 70607
Board Member (2013 – Present)
Treasurer (2015)
Vice President (2016 – 2018)
President (2018 – Present)

2014 – Present
Calcasieu Parish Crime Stoppers Board
911 Hodges Street
Lake Charles, Louisiana 70601
Board Member

2007 – Present
Armor Title Company, LLC
113 Dr. Michael DeBakey Drive
Lake Charles, Louisiana 70601
Member (compensated)

2007 – Present
LCL Investments, LLC
Formerly LCGL Investments, LLC
113 Dr. Michael DeBakey Drive
Lake Charles, Louisiana 70601
Member (Compensated)

2014 – 2018
St. Louis Catholic High School Board
1620 Bank Street
Lake Charles, Louisiana 70601
Board Member (2014 – 2018)
President (2015 – 2018)

2014 – 2016
JD Bank Advisory Board
535 Kirby Street
Lake Charles, Louisiana 70601
Advisory Board Member (compensated)

2008 – 2015
Geaux Geaux Properties, LLC

113 Dr. Michael DeBakey Drive
Lake Charles, Louisiana 70601
Member (compensated)

2006 – 2007
CGL Properties, LLC
2901 Hodges Street
Lake Charles, Louisiana 70601
Member (Compensated)

2002 – 2007
BJS Properties, LLC
2901 Hodges Street
Lake Charles, Louisiana 70601
Member (Compensated)

1995 – 2003
Louisiana Lottery Corporation
555 Laurel Street
Baton Rouge, Louisiana 70801
Board of Directors (compensated)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I registered for selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Rated AV Preeminent by Martindale-Hubbell, 2017

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

The Federalist Society

Judge Albert Tate Inns of Court

Louisiana State Bar Association

Southwest Louisiana Bar Association

10. Bar and Court Admission:

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Admitted to Louisiana Bar in 1993.

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Supreme Court, 2011

United States Court of Appeals for the Fifth Circuit, 2003

United States District Court for the Eastern District of Louisiana, 2007

United States District Court for the Middle District of Louisiana, 1998

United States District Court for the Western District of Louisiana, 1994

All courts in the state of Louisiana, 1993

There have been no lapses of membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Alliance for Positive Growth, Inc. (2016 – 2017)

Founding Member (2016 – 2017)

Our Lady Queen of Heaven School Trust Board (2010 – 2012)

Krewe of Barataria (2006 – Present)

Krewe of Contraband (2016 – 2018)

Lake Charles Country Club (2005 – Present)

McNeese Quarterback Club (2016 – Present)

McNeese Tip-Off Club (2008 – Present)

McNeese State University Alumni Association (2014 – Present)

Board Member (2014 – Present)

Vice President (2016)

Treasurer (2015)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

The Krewe of Contraband, although traditionally an all-male krewe, does not, and has not at any time that I have been a member, discriminate on the basis of gender, race, religion or national origin. To the best of my knowledge, none of the organizations listed above discriminates or has discriminated on the basis of race, sex, or religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have not published any books, articles, reports, letters to the editor, editorial pieces, or any material written or edited, including material only on the Internet.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have not prepared or contributed in the preparation of any reports, memoranda or policy statements on behalf of any bar association, committee, conference, or organization for which I am or was a member.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

As a Lottery Board Member from 1995 to 2003, I participated in public meetings on a monthly basis. I have no notes, transcripts, or recordings, but representative press coverage is supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

May 2018: Speaker, Commencement, McNeese State University Alumni Association, Lake Charles, Louisiana. Notes supplied.

March 13, 2007: Speaker, Connections Count! Family Focus Professional Development Conference, Family and Youth, Lake Charles, Louisiana. I spoke about Louisiana Civil Code. I have no notes, transcript, or recording. The address of Family and Youth is 220 Louie Street, Lake Charles, Louisiana 70601.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Jury Awards \$2.7 Million to Family of Man Killed, Daily Town Talk (Alexandria, LA), July 30, 1999. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?
 - i. Of these, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held elective public office. I have not had any unsuccessful candidacies for public office.

I was appointed in 1994 to the Louisiana Lottery Board of Directors by the Governor of the State of Louisiana. In 1998, I was reappointed for a second four-year term. My term ended in December of 2003.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held any membership or office or provided services, whether compensated or not, to any political party or election committee.

16. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I worked as a Judicial Law Clerk for the Honorable Henry Yelverton of the Louisiana Third Circuit Court of Appeal from 1993 to 1994.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1994 – 2006
Lundy & Davis, LLP
501 Broad Street
Lake Charles, Louisiana 70601
Attorney (1994 – 1998)
Partner (1998 – 2006)

2007 – Present
Loftin, Cain & LeBlanc, LLC
113 Dr. Michael DeBakey Drive
Lake Charles, Louisiana 70601
Founding Member and Partner

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a private mediator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

In 1994 following my judicial clerkship at the Louisiana Third Circuit Court of Appeal, I went into private practice with the law firm of Lundy and Davis, LLP, in Lake Charles, Louisiana. In 1998, I became a partner. I had a litigation practice handling a broad range of cases, including insurance defense, business litigation, and products liability litigation. In 2007, I left Lundy and Davis, LLP, to start my own firm, Loftin, Cain & LeBlanc, LLC. My practice has included litigation for Lake Charles City Police Department and Calcasieu Parish Sheriff's Department in excessive force cases, insurance defense, and business litigation and limited personal injury cases.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

I have represented local businesses, including industrial supply companies, healthcare providers, insurance companies, police departments and local municipalities, in civil liability and litigation matters throughout my career.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My practice has been almost exclusively a litigation practice. I have completed on average, one jury trial a year as well as several bench trials a year, appearing in court frequently.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 15%
- 2. state courts of record: 80%
- 3. other courts: 5%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 99%
- 2. criminal proceedings: 1%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have been lead counsel or sole counsel in approximately 20 jury trials. If I include as co-counsel, the number of jury trials is approximately 30 in my 24 years of practice. I have in 24 years of practice, handled approximately 30 bench trials to decision.

- i. What percentage of these trials were:

- 1. jury: 40%
- 2. non-jury: 60%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have never appeared before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Benoit v. State of Louisiana, through the Department of Transportation and Development and Thomas*, 805 So.2d 428. Judge David Painter. (2000 – 2001)

I served as lead trial counsel in the jury trial involving severe injuries to my client, Ms. Benoit. Ms. Benoit was severely injured in an automobile accident when an unsecured load from a trailer that she was following struck a defective stretch of highway causing the load to shift, allowing a sheet of plywood to become dislodged from the preceding truck/trailer. This sheet of plywood proceeded to enter through the front windshield of my client's vehicle, causing her severe personal injuries. The jury awarded over \$350,000 in damages, including medical expenses.

Counsel for Defendant Thomas

Thomas Solari
Formerly with Woodley, Williams, Boudreau, Norman, Brown & Doyle
Plauche, Smith & Nieset
1123 Python Street
Lake Charles, Louisiana 70601
337-436-0522

Counsel for Defendant the State of Louisiana, through the Department of Transportation and Development

Elizabeth Hollins
Formerly with Attorney General, Louisiana Department of Justice
Calcasieu Parish District Attorney's Office
901 Lakeshore Drive
Lake Charles, Louisiana 70601
337-437-3400

2. *Bilbo v. Entergy Gulf States Louisiana and the City of Lake Charles*, 14th Judicial

District Court, Calcasieu Parish, Louisiana, Docket No. 2011-000487. Judge G. Michael Canaday. (2011 – 2013)

I served as lead counsel for the City of Lake Charles in defense of claims by Ms. Bilbo that she sustained injuries as a result of alleged negligence by the City at the Lake Charles Civic Center following a construction project on the premises of the Lake Charles Civic Center. I obtained a jury verdict absolving the City of all liability.

Counsel for Plaintiff Bilbo

D. Patrick Daniel, Jr.
Daniel & Associates, LLC
2409 Commerce Street
Houston, Texas 77003
713-589-3539

Counsel for Defendant Entergy Gulf States LA, LLC

Todd Michael Ammons
Stockwell, Sievert, Viccellio, Clements & Shaddock, LLP
127 West Broad Street
Lake Charles, Louisiana 70601
337-436-9491

3. *Brooks v. State of Louisiana, through the Department of Public Safety and Corrections, the Calcasieu Parish Sheriff's Department, the Calcasieu Correctional Center, and Mancuso and Burkhalter, Jr.*, 14th Judicial District Court, Calcasieu Parish, Louisiana, Docket No. 2012-2165, Judge David A. Ritchie. (2012 – 2016)

I served as lead counsel defending the Calcasieu Parish Sheriff's Department and the Calcasieu Correctional Center against claims by an inmate that the inmate suffered severe injuries as a result of being physically assaulted by other inmates while incarcerated at the Correctional Center. The inmate made numerous allegations of liability against the Calcasieu Parish Sheriff's Department and the Calcasieu Correctional Center, including improper staffing and supervision of the facility and failure to provide timely and proper medical care to the inmate. The case settled prior to trial.

Co-Counsel for Defendants Mancuso and Burkhalter, Jr.

Stephen C. Dwight
Dwight Law Firm, LLC
1400 Ryan Street
Lake Charles, Louisiana 70601
337-439-3138

Counsel for Plaintiff Brooks

J. Lee Hoffoss, Jr.
Hoffoss Devall, LLC
517 West College Street

Lake Charles, Louisiana 70601
337-433-2053

Counsel for Defendant the State of Louisiana, through the Department of Public Safety and Corrections

Michael W. Landry
Formerly with Attorney General, Louisiana Department of Justice
Staff Counsel for Safeway Insurance Company
200 West Congress Street, Suite 750
Lafayette, Louisiana 70501
877-323-8040

4. *Fuselier v. The Department of Transportation and Development of the State of Louisiana*, 919 So.2d 867 (La 3d Cir. 2006). Judge Joel G. Davis. (2002 – 2004)

I served as lead trial counsel for the family of Mr. Fuselier who was killed, as well as his two minor children, C. and T. Fuselier who were severely injured as a result of an accident that resulted from a defective highway maintenance project. This case was tried to a jury and then went on appeal, and the jury awarded my clients approximately \$1,900,000 in damages. The verdict was affirmed on appeal.

Co-Counsel for Plaintiffs Fuseliers

David Paul Bruchhaus
Mudd & Bruchhaus, LLC
410 East College Street
Lake Charles, Louisiana 70601
337-562-2327

Counsel for Defendant the State of Louisiana, Department of Transportation and Development

Elizabeth Hollins
Formerly with Attorney General, Louisiana Department of Justice
Calcasieu Parish District Attorney's Office
901 Lakeshore Drive
Lake Charles, Louisiana 70601
337-437-3400

5. *Lake Charles Rubber and Gasket Co, LLC and Johnston v. Gulf Coast Rubber and Gasket, LLC, S. Vincent, M. Vincent, and Goodwin*, 14th Judicial District Court, Calcasieu Parish, Louisiana, Docket No. 15-4153, Judge G. Michael Canaday. (2015 – Present)

I am serving as lead counsel for Gulf Coast Rubber and Gasket, LLC, and one of its owners, Mr. Goodwin, on behalf of the company's Commercial General Liability insurer, CNA Insurance, in a multi-million dollar claim, defending allegations of unfair trade practices, unfair competition, misappropriation of trade secrets, predatory pricing, and

business defamation.

Co-Counsel for Defendants Gulf Coast Rubber & Gasket, LLC, S. Vincent, M. Vincent, and Goodwin

Rudie R. Soileau, Jr.
Lundy, Lundy, Soileau & South
501 Broad Street
Lake Charles, Louisiana 70601
337-439-0707

Counsel for Plaintiffs Lake Charles Rubber and Gasket Co, LLC and Johnston

J. Michael Veron
Veron, Bice, Palermo & Wilson, LLC
721 Kirby Street
Lake Charles, Louisiana 70601
337-310-1600

6. *Mike Hooks, Inc. v. JACO Services, Inc.*, 674 So.2d 1125 (La. App. 3d Cir.), writ denied, 681 So.2d 1264 (La. 1996). Judge J. J. Gremillion. (1995 – 1996)

I served as co-lead counsel for Mike Hooks, Inc., a regional dredging company that operates along the Gulf Coast. Mike Hooks, Inc., suffered damage to its primary dredge as a result of faulty repair work by its contractor, JACO Services, Inc. I argued successfully on appeal that, due to ambiguities in the insurance policy, the products-completed operation provisions of JACO Services, Inc.'s Commercial General Liability insurance policy provided coverage for the defective work and Mike Hooks, Inc.'s damages. This case proceeded to trial by jury. We obtained a jury verdict in favor of Mike Hooks, Inc.

Co-Counsel for Plaintiff Mike Hooks, Inc.

Hunter W. Lundy
Formerly Lundy & Davis, LLC
Lundy, Lundy, Soileau & South, LLP
501 Broad Street
Lake Charles, Louisiana 70601
337-439-0707

Counsel for Defendant JACO Services, Inc.

Howard Bruce Kaplan
Bernard, Cassisa, Elliott & Davis, APLC
Three Lakeway Center
3838 North Causeway Boulevard, Suite 3050
Metairie, Louisiana 70002
504-834-2612

Counsel for Acceptance Ins. Co.

A.R. Johnson, IV (Retired)
Formerly with Plauche, Smith & Nieset, LLC
P.O. Drawer 1705
Lake Charles, Louisiana 70602
Coverage Provider to JACO Services, Inc.

7. *D. Husers and L. Husers v. The City of Lake Charles, et al.*, 14th Judicial District Court, Calcasieu Parish, Louisiana, Case No. 2006-5675, and *M. Zaveri and K. Zaveri v. D. Husers and L. Husers*, 14th Judicial District Court, Calcasieu Parish, Louisiana, Docket No. 2001-1250, Judge David A. Ritchie. (2007 – 2016)

I served as lead counsel defending the City of Lake Charles and the Planning and Zoning Commission of the City of Lake Charles. The Husers alleged the City of Lake Charles improperly issued building permits to the Zaveris allowing the Zaveris to construct a three-sided retaining wall to permit backfilling of the Zaveris' lot for an elevated home pad. The Husers claimed the resulting retaining wall and construction by the Zaveris caused damage to their neighboring property. Following a multi-day jury trial, a verdict was entered finding the Zaveris improperly built the structure and caused damage to the Husers, but the jury found the City of Lake Charles was only 2% at fault for issuing the building permit.

Counsel for M. Zaveri and K. Zaveri

Kenneth Michael Wright
203 West Clarence Street
Lake Charles, Louisiana 70601
337-439-6930

Counsel for D. Husers and L. Husers

Rudie R. Soileau, Jr.
Lundy, Lundy, Soileau & South, LLP
501 Broad Street
Lake Charles, Louisiana 70601
337-439-0707

Counsel for Champion Custom Home Builders, LLC

Melvin A. Eiden
Rabalais & Hebert, LLC
701 Robley Drive, Suite 210
Lafayette, Louisiana 70503
337-981-0309
Third-Party Defendant of Plaintiffs, D. Husers and L. Husers

8. *Landry, et al. v. Mitsubishi Motor Manufacturing of America, et al.*, 33rd Judicial District Court, Parish of Allen, Louisiana, Docket No. C-98-375. Judge Joel G. Davis. (1998 – 2000)
Third Circuit Court of Appeal, Louisiana, Docket No. 04-00910-CW

I served as co-lead counsel for Mr. Landry and his daughter Ms. Landry. Ms. Landry suffered a brain injury as a result of being ejected from the vehicle she was riding in as a guest passenger. This case was a products liability case against Mitsubishi. Ms. Landry's seat back failed when the rear of the vehicle struck a tree after leaving the roadway. It was alleged that due to the defective seat back failing, she was ejected out the rear of the vehicle. The case settled after a two-week jury trial while the case was on appeal.

Co-Counsel for Plaintiffs Mr. Landry and Ms. Landry

Hunter W. Lundy
Formerly Lundy & Davis, LLC
Lundy, Lundy, Soileau & South, LLP
501 Broad Street
Lake Charles, Louisiana 70601
337-439-0707

Counsel for Defendant Mitsubishi Motor Manufacturing of America, Inc. f/k/a Diamond-Star Motors Corporation and Chrysler Corporation

Keith W. McDaniel
Formerly with Pulaski, Gieger & LaBorde, APLC
McCranie, Sistrunk, Anzelmo, Hardy, McDaniel & Welch
195 Greenbriar Boulevard, Suite 200
Covington, Louisiana 70433
504-831-0946

9. *Skinner, et al. v. State of Louisiana, through the Department of Transportation and Development, et al.*, 38th Judicial District Court, Parish of Cameron, Louisiana, Docket No. 10-18418. Judge Penelope Quinn Richard. (2012)
Third Circuit Court of Appeal, Louisiana, Docket No. 12-00119-CA

I served as lead counsel in a wrongful death case. I represented Mr. Skinner who was killed as a result of a highway defect. Mr. Skinner was driving a concrete truck that exited the road due to the improper placement of an electronic highway warning sign. The case was tried to a jury to verdict. I obtained a \$750,000 jury verdict for Mr. Skinner's surviving spouse and their minor children.

Co-Counsel for Plaintiff Skinner

Barry A. Roach
Roach Law Firm
Larry A. Roach Inc., APLC
2917 Ryan Street
Lake Charles, Louisiana 70601
337-240-9760

Counsel for Defendant the State of Louisiana, through the Department of Transportation

and Development

Michael W. Landry

Formerly with Attorney General, Louisiana Department of Justice

Staff Counsel for Safeway Insurance Company

200 West Congress Street, Suite 750

Lafayette, Louisiana 70501

877-323-8040

10. *The Whitten Foundation, et al. v. General Star Indemnity Insurance Company and RSUI Indemnity Company*, United States District Court, Eastern District of Louisiana, Civil Action No. 2:07-cv-03947, Judge Carl Barbier. (2007 – 2009)

The Whitten Foundation, et al. v. General Star Indemnity Company, United States District Court, Middle District of Louisiana, Civil Action No. 3:06-cv-00698, Judge James J. Brady. (2007 – 2008)

The Whitten Foundation, et al. v. General Star Indemnity Company, United States District Court, Western District of Louisiana, Lake Charles Division, Civil Action No. 2:06-cv-01877, Judge Patricia Minaldi. (2007 – 2008)

I served as lead counsel representing The Whitten Foundation and The Mitchell Company, owners of residential apartment complexes located in the greater New Orleans area that were significantly damaged during Hurricane Katrina. Companion litigation in the Middle and Western Federal Districts was also filed. Insurance coverage for various property damage claims was denied by General Star Indemnity Company on the basis that the damages to the structures were solely the result of flooding, an excluded risk, as opposed to wind and other covered perils. I successfully represented The Whitten Foundation and The Mitchell Company, asserting the upper floors of the structures were not flooded such that the damages to those areas were the result of other covered perils, and ultimately was able to negotiate a multi-million dollar settlement for my clients in all three cases.

Counsel for Defendant General Star Indemnity Company

Raymond J. Pajares (Retired)

Formerly with Pajares & Schexnaydre, LLC

Milling, Benson, Woodward, LLP

38031 Capital Trace Row

Mandeville, Louisiana 70471

985-292-2000

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I was appointed in 2014 to the Calcasieu Parish Crime Stoppers Board by Sheriff Tony Mancuso. Crime Stoppers is a national organization that spans the United States to create a network of local programs that work together to prevent and solve crimes in communities and schools across the nation.

Our work on the Calcasieu Parish Crime Stoppers Board involves managing the funds that are rewarded for utilizing and developing tips that lead to the identity, apprehension, and conviction of those responsible for committing criminal offenses. This work involves working with local law enforcement agencies including the Calcasieu Parish Sheriff's Department, City of Lake Charles Police Department, Sulphur City Police Department, Westlake City Police Department, DeQuincy City Police Department, Vinton City Police Department, and Iowa City Police Department.

I have never been a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None, except for the self-funded IRAs and Simple Plans that I have paid into while in private employment with Lundy & Davis Law Firm and my present law firm, Loftin, Cain, & LeBlanc, LLC.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans, commitments or agreements to pursue outside employment if confirmed.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

Please see attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will recuse myself from any litigation where I have ever played a role. For an appropriate period of time, I anticipate recusing in all cases where my former firm, Loftin, Cain & LeBlanc, LLC, represents a party. I will evaluate any other real or potential conflict, or relationship that could give rise to the appearance of a conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Since 1995, I devoted a significant amount of time, energy and resources to involvement in the community, including the advancement of education in our community. I have served on Our Lady Queen of Heaven's School Trust Board, as well as served as President of the St. Louis Catholic High School, School Board for the past four years. I have also remained involved with my college Alma Mater, McNeese State University, being actively involved in the Alumni Association, including being the present President. Through the McNeese State University Alumni Association, we advanced access to college education by raising money and awarding scholarships to students. As a member of the Bar, I have represented indigent defendants in criminal matters when requested by the Courts. I have remained available for appointment when requested by the Court and have never turned down an assignment when requested by the Court.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On July 30, 2016, U.S. District Judge Patricia Minaldi announced that she was formally stepping down from the bench. I contacted the office of Senator Bill Cassidy and the office of Senator John Kennedy to express my interest in serving as United States District Court Judge for the Western District of Louisiana - Lake Charles Division. On September 18, 2016, I interviewed before a Vetting Committee made up of individuals including lawyers, law enforcement, and interested citizens from across the Western District of Louisiana which comprises a large part of the State of Louisiana. Following the interview, I was informed that my name was advanced, and that I would interview individually with Senator Bill Cassidy. On November 15, 2017, I traveled to Washington, DC, to interview with Senator Bill Cassidy and members of his staff. Sometime during the first part of the week of November 20, 2017, I was contacted by Senator Bill Cassidy's staff, and informed that my name was being submitted to the White House for consideration.

On December 4, 2017, I traveled to Washington, DC, and interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy with the Department of Justice. On August 28, 2018, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.